UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/52/548
30 October 1997
ENGLISH
ORIGINAL: FRENCH

Fifty-second session
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report submitted by the Secretary-General on the situation of United Nations personnel and their families

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 2	2
II.	NEW DEVELOPMENTS	3 - 6	2
III.	RELEVANT PRINCIPLES ON PROTECTION IN THE INTERNATIONAL CONVENTIONS ON THE PRIVILEGES, IMMUNITIES AND SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL	7 - 11	3
IV.	RECENT CASES	12 - 20	4
V.	STATUS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL	21 - 23	6
Annex.	List of staff members who have lost their lives since 1 July 1996		8

97-29643 (E) 101197 101197

I. INTRODUCTION

1. The Economic and Social Council took note of Commission on Human Rights resolution 1997/25, of 11 April 1997, in which the Commission requested the Secretary-General to submit to the General Assembly at its fifty-second session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled, and on the implementation of the measures referred to in the resolution.

2. The present report, which contains information on respect for the privileges and immunities of officials, as well as their security and safety, has been prepared pursuant to Commission resolution 1997/25 and is based on the information provided by United Nations programmes, funds, offices and missions and by the specialized agencies and related organizations. The information covers the period from 1 July 1995 to 9 June 1997 (see also annex III to the report submitted by the Secretary-General on 30 September 1996 (A/C.5/51/3)).

II. NEW DEVELOPMENTS

3. On 12 March 1997 the President of the Security Council, speaking on behalf of the members of the Council, made a statement in which he expressed concern at the recent increase in attacks against United Nations personnel and the personnel of international humanitarian organizations and condemned such acts (S/PRST/1997/13). The Council also stated that it supported all efforts to promote and protect the safety of United Nations and associated personnel. The Council paid tribute to all those taking part in United Nations operations for their courageous efforts to achieve peace and to alleviate the suffering of the people living in conflict areas.

4. In fulfilment of the responsibilities assigned by Member States to the organizations of the United Nations system, staff members are increasingly called upon to take up duties that involve grave personal risks on a daily basis. During the reporting period, 15 civilian staff members of different United Nations organizations and agencies lost their lives in the performance of their duties (see A/C.5/51/3, annex II, and the annex to the present report). The United Nations, with the assistance of Member States, must continue to make every effort to secure the release of staff members who have been detained or imprisoned in violation of the Convention on the Privileges and Immunities of the United Nations, and it is imperative that staff members should be able to perform their duties in full assurance that human rights and their legal rights will be respected.

5. Annex I to the report submitted by the Secretary-General on 30 September 1996 (A/C.5/51/3) contains a consolidated list of staff members under arrest and detention or missing as at 30 June 1996 with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection.

6. The primary responsibility for the security and protection of staff members, their spouses, dependants and property and the organizations' property rests with the host Government. Under Article 105 of the Charter, the United Nations is entitled to enjoy such privileges and immunities as are necessary for the fulfilment of its purposes. The other organizations in the United Nations family and their staff enjoy similar privileges and immunities under their respective constitutional instruments. Staff members of the organizations are entitled under the same provisions to enjoy such privileges and immunities as are necessary for the independent exercise of their functions.

III. RELEVANT PRINCIPLES ON PROTECTION IN THE INTERNATIONAL CONVENTIONS ON THE PRIVILEGES, IMMUNITIES AND SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

7. The Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies constitute a critical element in the protection of staff members and their dependants from arrest and detention. The Secretary-General therefore invites States that have not become parties to the Conventions to give consideration to ratifying or acceding to them. The Secretary-General also invites Member States that have not done so to become parties to the Convention on the Safety of United Nations and Associated Personnel, which the General Assembly adopted by its resolution 49/59 of 9 December 1994.

8. The Convention was signed by only 43 Member States and ratified by only 10. It cannot enter into force until 20 States have ratified it.

9. The following paragraphs provide a summary of principles on the protection and immunity of United Nations and associated personnel in the above-mentioned Conventions.

10. Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies:

(a) Article II, section 3, and article III, section 5, respectively: the premises of the organizations are "inviolable" and their property, wherever located and by whomsoever held is immune from "any ... form of interference";

(b) Article V, section 18 (a), and article VI, section 19 (a), respectively: officials are "immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity";

(c) Article V, section 18 (f), and article VI, section 19 (e), respectively: officials are to be "given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys".

11. Convention on the Safety of United Nations and Associated Personnel:

(a) Article 7: Duty to ensure the safety and security of United Nations and associated personnel;

(b) Article 8: Duty to release or return United Nations and associated personnel captured or detained;

(c) Article 11: Prevention of crimes against United Nations and associated personnel;

(d) Article 12: Communication of information;

(e) Article 16: Mutual assistance in criminal matters;

(f) Article 17: Fair treatment;

(g) Article 21: Right of self-defence.

IV. RECENT CASES

Expulsion of two staff members of the Economic Commission for Africa from Ethiopia

12. Two staff members of the Economic Commission for Africa (ECA) based in Addis Ababa were arrested by the Ethiopian authorities in February 1996. According to the information transmitted to the Chairman of the United Nations Working Group on Arbitrary Detention, Mr. Mohammed Yussif El-Mustafa and Mr. Atif Musa El-Baghir, both Sudanese nationals, were expelled to Djibouti in April 1996 on the grounds that they had no legal permit to stay in Ethiopia. The Association for the Security and Independence of International Civil Servants has still not received any information concerning the fate of the two staff members since their expulsion.

13. Regarding the follow-up to this case, the Office of the Assistant Secretary-General for Human Resources Management is currently working with the Office of Legal Affairs and ECA in order to find a solution to a larger visa issue now affecting ECA in general.

14. On 8 September 1994 Mr. Luís Oliveros, then Administrative Officer and Officer-in-Charge of the High Commissioner for Human Rights/Centre for Human Rights office in Cambodia, was attacked by a group of armed people while driving the official car accompanied by his daughter, Mónica Oliveros. He was forced to leave the car at gunpoint. The attackers stole the car, abducting his daughter, who was later found shot in the leg in a Phnom Penh street. The Ministers for Foreign Affairs and International Cooperation, together with other high-ranking officials in the Government, were very helpful in tracing Mónica Oliveros, who had to be medically evacuated to Bangkok with her father. Mr. Oliveros had to resign from his position at the High Commissioner/Centre for Human Rights office and to find other employment owing to his daughter's trauma following the attack.

15. The attack was publicly condemned by both the King and the Government, which stressed that a police investigation was under way to identify the individuals responsible for the attack. Despite repeated inquiries, the High Commissioner/Centre for Human Rights and the then Special Representative of the

Secretary-General for human rights in Cambodia, Mr. Michael Kirby, to this day have not received any information on the outcome of the police investigation.

16. On 11 December 1996 a World Food Programme (WFP) Base Manager, Mr. Jorge Leitao, aged 31, was fatally wounded in the head by a group of four armed men dressed in military uniforms on the road between Ndalatando and Ngonguembo in Cuanza Norte Province in Angola. Mr. Leitao and three of his colleagues were on a mission to coordinate information on the tracing of families of child soldiers so that the latter could be demobilized and sent home. The mission was part of the WFP rehabilitation work after the fighting in Angola. The United Nations envoy in Angola, Mr. Alioune Blondin Beye, condemned what he described as an "ignoble act" and called on the Angolan authorities to conduct a full inquiry into the murder.

Pending cases

17. On 23 August 1996 a judgment was handed down by the Supreme Court of Chile in connection with the case of Mr. Carmelo Soria Espinosa, a staff member of the Economic Commission for Latin America and the Caribbean (ECLAC), who had been abducted and subsequently murdered in Santiago on 14 July 1973 by agents of the Mulchen Brigade of the Chilean secret service. The Court confirmed the validity of applying Amnesty Decree-Law 2191 to Mr. Soria's case, a decision "which has prevented justice from being done" as stated in an ECLAC press release of 26 August 1996.

18. In the same press release ECLAC reiterated that, as an official of the United Nations, Mr. Soria enjoyed all of the privileges and immunities set forth in article VII, sections 13 and 15, of the 1954 agreement concluded between ECLAC and the Government of Chile and was protected by the provisions of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in 1973. ECLAC stressed that, under article 11 of the latter Convention, Chile is required to communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who then transmits the information to the other States parties.

Recently clarified case

19. Ms. Martha Klein, a staff member of the United Nations Educational, Scientific and Cultural Organization (UNESCO) held hostage in Irian Jaya, Indonesia, by the Free Papua Movement since January 1996, was released in May 1996 through Indonesian military intervention. Several appeals, by the Secretary-General of the United Nations, the Director-General of UNESCO and the High Commissioner for Human Rights, were addressed to the Free Papua Movement to release all the hostages using peaceful means. Ms. Klein returned to Indonesia with her family to continue her work with UNESCO.

20. There are still 98 unresolved cases of staff members detained, imprisoned, missing or presumed dead. The Association for the Security and Independence of International Civil Servants has compiled some statistics on the situation of international officials:

Since 1992:

131 United Nations staff members died while performing their duties;

24 of them were international recruits and 107 local recruits;

68 died of gunshot wounds, yet nobody has been indicted or brought to trial in any of the killings.

Between 1 January 1994 and 11 March 1997, there were 35 cases of abduction and hostage-taking involving:

80 internationally recruited officials;

39 locally recruited officials.

In 1992 one United Nations staff member was killed every month; in 1993 it was one every week; in 1994 it was more than one a week; in 1995 and 1996 the rate reverted to one every month. Between 1 January and 1 March 1997 there were nine fatal casualties.

V. STATUS OF THE CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

21. By resolution 49/59 the General Assembly adopted the Convention on the Safety of United Nations and associated personnel.

22. In connection with the report of the Special Committee on Peacekeeping Operations (A/51/130 and Corr.1), the General Assembly adopted resolution 51/137 of 13 December 1996, in which it urged all States that had not yet done so to consider ratifying, accepting, approving or acceding to the Convention, to bring about its entry into force at the earliest possible date; and requested the Secretary-General to continue to take the necessary steps to facilitate the dissemination of information relating to the Convention and to promote its wider appreciation.

23. As at November 1996,[1] the status of signatures and ratifications of the Convention on the Safety of United Nations and Associated Personnel was as follows:

Participant	Action	Date
Argentina	Signature	15 December 1994
Australia	Signature	22 December 1995
Bangladesh	Signature	21 December 1994
Belarus	Signature	23 October 1995
Belgium	Signature	21 December 1995
Bolivia	Signature	17 August 1995
Brazil	Signature	3 February 1995
Canada	Signature	15 December 1994
Czech Republic	Signature	27 December 1995
Denmark	Ratification	11 April 1995
Fiji	Signature	25 October 1995
Finland	Signature	15 December 1994
France	Signature	12 January 1995
Germany	Signature	1 February 1995
Haiti	Signature	19 December 1994
Honduras	Signature	17 May 1995
Italy	Signature	16 December 1994
Japan	Acceptance	6 June 1995
Liechtenstein	Signature	16 October 1995
Luxembourg	Signature	31 May 1995
Malta	Signature	16 March 1995
Netherlands	Signature	22 December 1995
New Zealand	Signature	15 December 1994
Norway	Ratification	3 July 1995
Pakistan	Signature	8 March 1995
Panama	Ratification	4 April 1996
Philippines	Signature	27 February 1995
Poland	Signature	17 March 1995
Portugal	Signature	15 December 1994
Romania	Signature	27 September 1995
Russian Federation	Signature	26 September 1995
Samoa	Signature	16 January 1995
Senegal	Signature	21 February 1995
Sierra Leone	Signature	13 February 1995
Singapore	Ratification	26 March 1996
Slovakia	Ratification	26 June 1996
Spain	Signature	19 December 1994
Sweden	Ratification	25 June 1996
Togo	Signature	22 December 1995
Tunisia	Signature	22 February 1995
Ukraine	Ratification	17 August 1995
United Kingdom of Great Britain and Northern Ireland	Signature	19 December 1995
United States of America	Signature	19 December 1994
Uruguay	Signature	17 November 1995

Notes

[1] Multilateral treaties Deposited with the Secretary-General. Status as at 31 December 1996 (ST/LEG/SER.E/15).

ANNEX

List of staff members who have lost their lives since 1 July 1996

Name	Nationality	Agency	Place/date of incident	Cause of death
Graham Turnbull	United Kingdom	Office of the High Commissioner/ Centre for Human Rights	Cyangugu, 4 February 1997	Gunshot wounds
Sastra Chiam-Chan	Cambodia	Office of the High Commissioner/ Centre for Human Rights	Cyangugu, 4 February 1997	Gunshot wounds
Ngabo Agripain	Rwanda	Office of the High Commissioner/ Centre for Human Rights	Cyangugu, 4 February 1997	Gunshot wounds
Jean-Bosco Munyaneza	Rwanda	Office of the High Commissioner/ Centre for Human Rights	Cyangugu, 4 February 1997	Gunshot wounds
Aimbale Nsengiyumva	Rwanda	Office of the High Commissioner/ Centre for Human Rights	Cyangugu, 4 February 1997	Gunshot wounds

---

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/52/548/Corr.1
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report submitted by the Secretary-General on the situation of United Nations personnel and their families

Corrigendum

Paragraph 2

At the end of the paragraph, insert

The present report should be read in conjunction with the report of the Secretary-General circulated in document A/C.5/52/2.

97-32588 (E) 191197